IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4523 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PATEL JAYANTIBHAI DAHYABHAI

Versus

UNION OF INDIA

Appearance:

MR NIKHIL D JOSHI for the Petitioner.

MR PRADEEP PATEL for the Petitioner.

MR DN PATEL for Respondent No. 1

..... for Respondent No. 2

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 26/04/2002

ORAL JUDGEMENT

Rule. Mr.N.J. Shah, for Mr.D.N. Patel, waives service of rule on behalf of the respondents.

With the consent of the parties, the matter is taken up for hearing today.

The petitioner is a passport holder. In the original passport, the birth date mentioned is August 17, 1956, but as per the Birth and Death Register, the date of birth is January 2, 1957. Therafter, the petitioner requested the authority to change the date of birth in the passport. He was called for personal discussion and he was told that the authority cannot change the date of birth. The petitioner has, therefore, approached this Court.

Considering the facts and circumstances of the case, the respondent-Authority is directed to reconsider the aforesaid issue. For this purpose, the petitioner may make a representation to the authority. If any such representation is made, the Authority may decide the representation of the petitioner for correcting the birth date in accordance with law and as per the Rules, and after considering the necessary evidence on record, may pass appropriate orders in accordance with law. From the evidence on record, if the Authority is satisfied that the grievance of the petitioner is justified and the correct birth date of the petitioner is 2.1.1957, then necessary orders correcting the entry may be passed and on that basis, corrected passport may be given to the petitioner. However, it is for the authority to appreciate the evidence and to pass appropriate order in accordance with law. The decision may be taken as early as possible, and preferably within a period of one month from the date of receipt of the representation.

Since the petitioner at the initial stage has not taken care for giving appropriate birth date, the petitioner is directed to pay costs of Rs.2,000/- to the authority. The said amount may be deposited with the Authority within a period of two weeks from today.

The petition is accordingly allowed. Rule is made absolute to the aforesaid extent, with costs as quantified above.

Direct service is permitted.

26th April, 2002 (P.B. Majmudar, J.)

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(apj)